IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37454 of 2007(H)

AGAINST THE ORDER IN IA 1939/2007 IN
OS.190/2006 of MUNSIFF COURT, CHALAKUDY

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PETITIONER:

SOMAKUMAR, S/O.VELAYUDHAN, AGED 38 YEARS
EZHUPURATH HOUSE, ELINJIPRA DESOM/VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

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1. AMBUJAM W/O.CHANDRAN, CHETTIYAMPARAMBIL,
ELINJIPRA VILLAGE,MUKUNDAPURAM TALUK,THRISSUR.

2. SUNIL, S/O.AMBUJAM,CHETTIYAMPARAMBIL,
ELINJIPRA VILLAGE,MUKUNDAPURAM TALUK,THRISSUR.

3. ANIL, S/O.AMBUJAM,CHETTIYAMPARAMBIL,
ELINJIPRA VILLAGE,MUKUNDAPURAM TALUK,THRISSUR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 37454 OF 2007

Dated this the 18th day of December, 2007

J U D G M E N T

This writ petition is preferred against the order of the Munsiff, Chalakkudy, in I.A. 1939/07 in O.S. 190/06. The suit is one for declaring the right of easement by grant over B and C schedule property. It is noted that there is no dispute regarding the title over the property. It is also stated in the order that the report discloses the lie and location of the plaint B and C schedule property and they are lying contiguously. Therefore the court felt that there is no necessity for any report and plan. The court has taken into consideration the materials and had decided to reject the prayer not only on that ground but also on the ground of considerable delay. I do not find that this is a fit case where the jurisdiction under Article 227 of the Constitution of India has to be exercised.

The writ petition is accordingly dismissed.

M.N.KRISHNAN, JUDGE

vps